IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 24918 of 2004

Between:

Teta Venkata Ramana Rao, S/o. Late Venkata Chalapathi Rao,
D.No. 15/503, Edepally, Machilipatnam, Krishna District.

..... PETITIONER

AND

1 The Divisional Engineer, A.P. Southern Power Distribution Corporation Ltd. Machilipatnam, Krishna District.
2 The Assistant Additional Engineer, A.P. Southern Power Distribution Corporation Ltd., Machilipatnam.
3 The Assistant Engineer (Electricals), A.P. Southern Power Distribution Corporation Ltd., Machilipatnam.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order, direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in disconnecting the power supply in respect of SC No. 26521 and S.C. 32560 provided for D.No. 15/503, Edepally, Machilipatnam, Krishan District without issuing any notice as arbitrary, illegal violative of principles of natural justice and also contra to the section 56 of the Electricity Act, 2003 and consequently direct the respondents to restore the power supply forthwith.

Counsel for the Petitioner:MR.B.SOMASEKHAR

Counsel for the Respondents: SMT.M.VINOBHA DEVI, Standing Counsel for APSPDC Ltd.

The Court at the stage of admission made the following ORDER:

The petitioner is extended power supply under two separate connections namely, SC.No.26521 and S.C.No.32560. Out of them, one falls into the domestic category and the other into the commercial category. The respondents have disconnected the power supply to both the connections on 16-11-2004. The petitioner was not issued any notice, much less any proceedings. He challenges the action of the respondents.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

The power supply to the petitioner was disconnected by the respondents without issuing any notice and without passing any orders. On instructions from the respondents, the learned Standing Counsel submits that the power supply was disconnected on the ground that the petitioner has drawn the power supply from domestic connection, for commercial use. Even if the same is true, the petitioner needs to be put on notice and given, an opportunity to explain the charge against him. There does not exist any justification for disconnecting the supply on the basis of mere presumptions and without issuing any proceedings. If a consumer committed default in payment of the consumption charges, such a notice is not necessary. The petitioner contends that there are no outstanding dues from him.

Hence, the writ petition is disposed of directing that the respondents shall restore the supply to the petitioner forthwith, in case, there are no arrears of amount is due from the petitioner towards the consumption charges. In case, the petitioner had resorted to any malpractices or pilferage, it shall be open to the respondents to take necessary steps after restoration of the supply and after issuing notice to the

petitioner. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

31st DECEMBER, 2004.

Note: wire at party's costs.

B/o

kvni/sh

To

1 The Divisional Engineer, A.P. Southern Power Distribution Corporation Ltd. Machilipatnam, Krishna District.
2 The Assistant Additional Engineer, A.P. Southern Power Distribution Corporation Ltd., Machilipatnam.
3 The Assistant Engineer (Electricals), A.P. Southern Power Distribution Corporation Ltd., Machilipatnam.

4 Two CD copies.